

### REMARKS

The Office Action of July 12, 2005, has been reviewed and the Examiner's comments from the Office Action have been carefully considered. Claims 1-20 are pending in the application.

The amendments to the claims are supported in original specification. No new matter has been added and Applicants submit that these amendments place all of the remaining claims in condition for allowance.

Accordingly, the claims now effectively recite a customer driven, sponsor controlled network-based scheduling system and method that effectuates bi-lateral customer driven appointment scheduling with a sponsoring organization. The scheduling system facilitates the sponsoring organization, such as a doctor's office, clinic, auto repair shop or the like, to communicate an invitation to the customer, such as a patient, client or consumer, whereby the customer is only offered appointment times that can accommodate his particular scheduling needs and he directly schedules an appointment with the sponsoring organization via the network. In other words, the display of the schedule is filtered to show only time segments which meet the criteria associated with the individual customer. The criteria may include sponsoring organization availability, contiguous time slot availability and resource availability. The customer will have the opportunity to directly accept and thereby directly schedule the most desirable appointment time. The controller will communicate the information to the sponsoring organization.

The examiner has rejected claims 1, 3-5, 8, 11, 13-15 and 18 under 35 U.S.C. 112, second paragraph due to alleged claim informalities. Specifically the examiner objected to the phrase "at least some of the customers" and suggested it be changed to "a plurality of the customers." The change requested by the examiner has been made in all of the claims. The phrase "at least some of" will certainly include "a plurality of", however the original language was utilized to clarify that the present invention is not limited to ONLY the networked based customer driven interaction and that the system is robust enough to accommodate those customers that do not wish to either be contacted

via the network and/or schedule via the network. This fact is further highlighted in claims 5 and 15. This issue is worth noting in that the present system operates essentially as a standard office based calendar scheduling system well known in the prior art (such as disclosed in the Detjen Patent discussed below) for the off-line contacted and scheduled customers. The "off-line" capability of the present system is important from a practical standpoint of accommodating all potential customers, but this in itself is NOT the unique aspect of the system, but it is rather the online customer driven scheduling as described below that is unique in the present system.

The examiner has rejected the claims 1-8, 10-18 and 20 in view of the combined teachings of U.S. Patent 5,970,466 to Detjen et al (the Detjen Patent) in view of U.S. Patent 6,380,959 to Wang et al. (the Wang patent).

The examiner asserts that the Detjen patent teaches the present claimed invention except for the contacting of a plurality of the customers via the network and the confirmation of the appointment time of the customers via the network. The examiner relies upon the Wang patent to teach the use of networked based customer contacting and confirmation of scheduling. The examiner's rejection is respectfully traversed for the following reasons.

The Detjen patent is simply a scheduling system, which allows the coordination of multiple schedules. The system is designed and intended to aid the office based scheduler (i.e. office personnel) schedule various customers in response to contacts with the customers. As the examiner acknowledges the Detjen patent fails to teach or suggest the contacting of some of the customers via the network, or have some of the customers directly schedule over the network.

The Wang patent does disclose a calendar architecture including the use of a network to send scheduling requests and to later confirm such scheduling requests after they have been approved (see the description in column 13, as the examiner has noted).

The present claimed invention explicitly discloses three key network associated components of the present system and method, namely that the central controller operates via a network to (1) contact a plurality of the customers concerning the

scheduling of appointments via the network, (2) supply available appointment times via the network directly to a plurality of the customers, with the available appointment times that are supplied are determined by the sponsor parameters associated with the individual customer, whereby the supplied appointment times are specific to the individual customer, and (3) receive scheduling information via the network directly from a plurality of the customers.

It is not clear that the Wang patent teaches a calendar system that will actually notify at least some customers via the network concerning the scheduling of appointments as set forth in (1) above. The notification of at least some customers of scheduling of appointments does not seem to be discussed within the Wang patent. The examiner notes that in the Wang patent e-mails may be sent to customers (see column 5 regarding an e-mail generating caplet™), but there is no teaching here that such are concerning the scheduling of appointments. The examiner also references the section describing a caplet™ that specializes in making reservations for a scheduled event in column 13, but this also does not discuss the contacting of customers regarding the scheduling of appointments. Apparently, or possibly, the examiner believes this claim limitation is found in the suggested combination of the Detjen and Wang patents.

Further, the Wang patent teaches that those desiring to schedule an appointment over the network use the network to send a request, and the request is processed and if the requested resources are available they are "locked up" and a confirmation is sent to the customer. This is analogous to how the Detjen system works (off line) in that the scheduler will receive the information from the customer and schedule the requested time if available. Applicant's agree that it would be obvious for the scheduler of the Detjen system to receive customer requests via the network, then lock up the desired resources via the scheduling system, and confirm the appointment (if available) via the network, as taught by the Wang patent. This would not be a direct scheduling by the customer as defined in the present invention in (3) above. The scheduler would still be used in the combined teachings. The present invention intends to minimize such interaction.

Most significantly, the present invention will supply available appointment times via the network directly to a plurality of the customers, with the available appointment times that are supplied are determined by the sponsor parameters associated with the individual customer, whereby the supplied appointment times are specific to the individual customer. In other words the contacted customers are receiving a display of the schedule that is filtered to show only time segments that meet the criteria associated with the individual customer (see figure 2 of the present application). This customer specific allows the customers to directly schedule as the recourses have effectively already been marked as available. The Detjen'a patent clearly does not teach or suggest providing such a "filtered schedule" to the customer, as it is only an office based system (i.e. requires the office based scheduler). The Wang patent does not teach or suggest providing the customer such with a "filtered schedule". This key component of the present claimed invention is not taught or suggested in either patent taken alone or in any reasonable combination.

Claims 1 and 11 are believed to define over the applied prior art for all the reasons discussed above.

In addressing the limitations of dependent claims 3 and 13 the examiner refers to the Detjen patent, suggesting that this patent discloses a graphical appointment calendar "to any customer." The applicant's concur that the Detjen patent discloses a graphical calendar, but such is NOT disclosed to the customers. This system is an "in house" system designed to assist the in house scheduler. Even if this system were supplemented by contacting the customers via the network and receiving requests therefrom, there is no teaching or suggestion of supplying graphical appointment calendar to the customers. Claims 3 and 13 further define the present invention over the reasonable teachings of the prior art.

Claims 5 and 15 explicitly recite that the present system and method utilizes on-line AND off-line customer communication for scheduling. The examiner notes that off-line communication is old and well known, and then suggests it would be obvious to use both on line and off line communication in the combined system. This rejection may further highlight some of the distinctions between the applied prior art and the present

system. The Detjen patent is directed to an in-house scheduling system wherein the input is from the scheduler following interaction between the human scheduler and the customers, and the system itself has no interaction with the customers. The Wang patent is directed to a Web based calendar architecture in which there is no point to Off Line customer communications. It is only the present invention that is directed to a customer driven scheduling system and method.

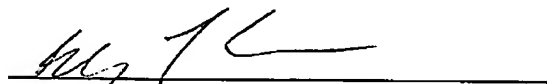
The examiner has rejected claims 6 and 16 noting that the Detjens patent discloses the specific sponsor parameters identified. This discussion may further clarify the distinctions in the independent claims above. The sponsor parameters can be identified and weeded through by the scheduler in the Detjens patent, however there is no teaching or suggestion of using these, together with specific customer requirements to provide a "filtered schedule" to the customers for the customers to schedule from as in the present claimed invention (independent claims 1 and 11 ).

Regarding claims 8 and 18, the fact that a scheduler can "modify an appointment" on the scheduling system does not suggest the contacting of at least some customers via the network in response to the changing sponsor parameters. Again the Detjen patent is an in-house scheduling program that interacts only with the scheduler. The Wang patent does not teach or suggest the contacting of customers in response to changing parameters, and it is this teaching the examiner is relying upon to teach the customer contact.

The examiner has rejected claims 9 and 19 in view of the combined teachings of the Detjens patent and the Wang patent, as applied above, and taken further in view of U.S. Patent 5,289,531 to Levine (the Levine patent). The Levine patent does not cure the deficiencies of the Detjens and Wang patents discussed above. Further, the Levine patent is directed to a particular electronic rescheduler. The examiner is attempting to selectively pick and choose from the prior art without any particular teaching to do so. The examiner is using the present claimed invention as a blueprint to pick selected elements from the prior art in attempt to construct the present invention. This hind-site reconstruction is inappropriate and cannot support a rejection under 35 U.S. C. 103.

Therefore, reconsideration and withdrawal of the rejection of the claims is respectfully requested.

Respectfully submitted,



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